

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID M. MITTERLEHNER  
AKA: MIKE MITTERLEHNER  
MAXINE E. MITTERLEHNER

Debtor(s) CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

CASE NO: 1-17-01993-HWV

DAVID M. MITTERLEHNER  
AKA: MIKE MITTERLEHNER  
MAXINE E. MITTERLEHNER

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

COMES NOW, on October 23, 2017, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 521(a), 521(f) and 1307(c), due to unreasonable delay in providing the Trustee a complete copy of the 2016 Federal Tax Return.

Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: October 23, 2017

Respectfully submitted,

s/ Charles J. DeHart, III  
Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
e-Mail: dehartstaff@pAMD13trustee.com

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CHAPTER 13

Debtor(s)

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Movant

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for unreasonable delay in providing the Trustee with a complete copy of your 2016 Federal Income Tax Return.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion as indicated below. Any matter not resolved at the Trustee's Conference shall be heard at the dismissal hearing.

**CONFERENCE before Trustee:**

November 22, 2017 at 9:00 am  
Dismissal Conference Room (Courtroom  
2)  
Ronald Reagan Federal Bldg  
3rd Floor, Third and Walnut Streets  
Harrisburg, PA 17101

**HEARING:**

November 22, 2017 at 09:35 AM  
Ronald Reagan Federal Bldg  
Bankruptcy Courtroom  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place.

1. You have provided the Trustee at the following address:
  - (a) with a complete copy of your 2016 Federal income tax return including schedules and forms; or
  - (b) with a statement why you were not required to file a tax return for 2016; or
  - (c) with a copy of your 2016 Form 4868 filed to request an extension of the time to file your tax return.

OFFICE OF THE CHAPTER 13 TRUSTEE  
SUITE A, 8125 ADAMS DRIVE  
HUMMELSTOWN, PA 17036

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
e-Mail: dehartstaff@pamd13trustee.com

Dated: October 23, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on October 23, 2017.

GARY J. IMBLUM, ESQUIRE  
4615 DERRY STREET  
HARRISBURG, PA 17111-

DAVID M. MITTERLEHNER  
MAXINE E. MITTERLEHNER  
2026 KENSINGTON STREET  
HARRISBURG, PA 17104

Respectfully Submitted,  
s/Vickie Williams  
for Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
e-Mail: dehartstaff@pamd13trustee.com

Dated: October 23, 2017

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MOTION TO DISMISS

Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.